

Notice of Allowability

Application No.

10/030,173

Examiner

Edna Wong

Applicant(s)

PUTTER ET AL.

Art Unit

1753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment dated March 16, 2004.
2. ☒ The allowed claim(s) is/are 15-52.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Edna Wong
Primary Examiner
Art Unit: 1753

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

IN THE CLAIMS

Claim 15, line 16, the words "may also be" have been deleted and replaced with the words -- is optionally --.

Claim 15, line 35, the words "may also be" have been deleted and replaced with the words -- is optionally --.

Claim 30, line 4, the words -- wherein n, V, W and R⁵ are defined under formulae Va and III -- have been inserted after the word "prepared".

Claim 37, line 9, the Roman numeral "V" has been deleted and replaced with the Roman numeral -- Va --.

Claim 38, line 2, the word "the" (first occurrence) has been deleted.

Claim 38, line 9, the Roman numeral "V" has been deleted and replaced with the Roman numeral -- Va --.

Claim 50, line 2, the word "the" (first occurrence) has been deleted.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

Claims **15-28** are allowable over the prior art of record because the prior art does not teach or suggest a process for the preparation of a compound of the general formula I comprising the step of subjecting as presently claimed, esp., wherein catalytic amounts of at least one metal salt (S) are derived from a metal from sub-groups Ib, IIb, VIb or VIIIb of the periodic chart or from lead, tin or rhenium.

Claims **29-40** are allowable over the prior art of record because the prior art does not teach or suggest a process for preparing a compound of the general formula III comprising the step of subjecting as presently claimed, esp., wherein a catalytic amount of a metal salt (S) is derived from a metal from sub-groups Ib, IIb, VIb or VIIIb of the periodic chart or from lead, tin or rhenium.

Claims **41 and 44-52** are allowable over the prior art of record because the prior art does not teach or suggest a process for preparing a compound of the general formula IV comprising the step of subjecting as presently claimed, esp., wherein a catalytic amount of at least one metal salt (S) is derived from a metal from sub-groups

Ib, IIb, VIb or VIIIb of the periodic chart or from lead, tin or rhenium.

Claims **42 and 43** are allowable over the prior art of record because the prior art does not teach or suggest a process for the preparation of a compound of the general formula IVa comprising the step of subjecting as presently claimed, esp., wherein a catalytic amount of at least one metal salt (S) is derived from a metal from sub-groups Ib, IIb, VIb and VIIIb of the periodic chart or from lead, tin or rhenium.

The prior art does not contain any language that teaches or suggests the above. *Shono et al.* teaches potassium iodide (KI). Potassium is a member of Group I (the alkali metal group) and not Group IB. Therefore, a person skilled in the art would not have been motivated to adopt the above conditions, and a prima facie case of obviousness cannot be established.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

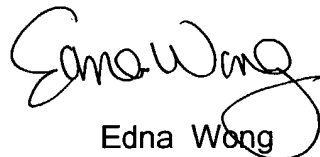
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edna Wong whose telephone number is (571) 272-1349. The examiner can normally be reached on Mon-Fri 7:30 am to 5:00 pm, alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

Art Unit: 1753

supervisor, Nam Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Edna Wong", with a large, stylized loop at the end.

Edna Wong
Primary Examiner
Art Unit 1753

EW
March 29, 2004